

**Al Mezan Center for Human Rights and the Palestinian Center for Human Rights
Update on the progress of legal interventions on behalf of victims of Israeli attacks on
Gaza in July and August 2014**

CERF Project

Introduction:

This is an update about the legal interventions by the Palestinian Center for Human Rights (PCHR) and the Al Mezan Center for Human Rights (Al Mezan) on behalf of Palestinian victims of Israeli violations of IHL and IHRL committed by the Israeli forces during Israel's assault on the Gaza Strip between 7 July and 26 August 2014 (depicted by Israel as Operation protective Edge (OPE)).

The project, which is supported by the Central Emergency Response Fund (CERF), is implemented in partnership with the AL Mezan and PCHR (the Partners).

The project involves delivering certain types of intervention to the benefit of residents of the Gaza Strip who were victims of attacks by the Israeli forces that seem to have violated the rules of international law. The services include documenting the violations, provision of legal advice and filing civil compensation notifications to the Israeli Ministry of Defence (MoD), and filing criminal complaints with the relevant Israeli authorities; especially the Military Advocate General's Office and the newly established Fact-Finding Mechanism (FFM).

This update aims to report on the progress of the delivery of documentation and legal assistance activities. It is intended to inform about the number of cases documented and/or submitted on behalf of the victims. It is not intended to give detailed analysis concerning the effectiveness of seeking accountability and access to justice in Israel.

1) Documentation:

The Partners are members of a Palestinian NGO coalition that took on its shoulders to document the impacts of attacks by the Israeli forces during OPE on the population and the infrastructure in the Gaza Strip.¹ The coalition documented over 50,000 incidents, which are kept in a special database for the purpose of reporting, legal intervention and advocacy. Documentation under this project means that certain key incidents are selected for further investigation and building of case-files specifically for legal intervention in Israel. In this vein, the partners documented 387 cases (Al Mezan selected and documented 143 key incidents and PCHR 244 key incidents). The team created a case-file for each of these incidents. Case-files include a description of the incident, the type of attack, the casualties, damages and injuries resulting from it, GPS coordinates for its location, Powers of Attorney from the victims and/or their family members, and official documentation attesting to injury and loss of life or property.

2) Submission of civil notifications to the Israeli MoD:

This is a necessary procedure that is provided for in Israeli law, which dictates that Palestinians who claim to have suffered injuries or damages as a result of the military activities of the Israeli forces are obliged to complain to the compensation unit at the Israeli MoD within 60 days from the date of the incident that led to the injuries or damages. Given the massive number of attacks leading to injuries and damages, the partners focused on a relatively small number of cases that can be credibly documented to a sufficient extent to

¹ In addition to the Partners, the coalition brings together two other NGOs: Al-Haq and Al Dameer Association for Human Rights.

submit a proper complaint. In particular, notifications were submitted on behalf of victims of the above-mentioned key incidents.

The Partners filed PCHR filed 1,248 civil notifications to the Compensation Officer at the Israeli Ministry of Defense; of which 1,076 by PCHR and 172 by Al Mezan.

3) Criminal Complaints:

The partners filed a total of 330 criminal complaints to the MAG and the FFM under the current project. Of those, 244 criminal complaints were filed by the PCHR and 86 by Al Mezan. The cases served 2,205 individuals.

The cases focused on attacks that seem to have violated the rules of international law and caused severe damage to civilian property and/or loss of civilian life. For example the cases filed by the PCHR involved the killing of 1,076 individuals during attacks launched by the Israeli forces during the 51-day military operation in the Gaza Strip.

The Partners' lawyers communicated with the FFM and, where needed, provided additional information and harmonized files as per the FFM requirements. The MAG and FFM communicated their responses to the partners in 23 (3 Al Mezan and 20 PCHR) letters. Out of the 20 letters to PCHR, two confirmed receiving the criminal complaints and opening files for them. As of today, eight letters were received by PCHR informing that preliminary investigations would be initiated and another ten letters informing lawyers that the MAG/FFM have decided not to initiate criminal investigations into the filed complaints. As for the 3 letters to Al Mezan, one stated that preliminary investigations would be opened in four complaints and would not be initiated in two complaints, one confirmed the receipt of 39 complaints, and one was verbal asking Al Mezan to assist with witnesses' access to Erez.

The Partners facilitated the access of 14 persons to Erez Crossing in the context of investigations. PCHR was asked to facilitate the access of 11 witnesses to Erez Crossing in order to have interviews with the Investigations Unit at the Israeli Military Police. The witnesses were from five of the criminal complaints filed under the current project. Al Mezan facilitated access for 3 other persons; all of whom were witnesses/victims of torture/abuse. PCHR are also following 76 criminal complaints with the FFM, while Al Mezan is following 81 files with the same body.

Oral communications with lawyers occurred occasionally, mostly asking for additional information about certain cases and asking that locations of incidents be determined precisely.

4) Other criminal complaints:

In order to give a wider picture about the legal interventions in Israel as of date, we would like to add that another 24 criminal complaints were filed on behalf of victims by Al Mezan; raising the total number of complaints by Al Mezan to 107. Those complaints were filed by Al Mezan outside of this project; some of which were actually filed during Operation Protective Edge.

Fifteen of the cases were complaints against serious attacks on homes, children, health facilities/personnel, IDP shelters, and other facilities that are indispensable for the life of the civilian population. Those were filed during the military operations in cooperation with Adalah. Out of the 15 complaints, MAG has informed that six complaints would be dismissed

without investigation, three would be investigated, and no response has been received concerning another six complaints.

Another six criminal complaints were filed by Al Mezan on behalf of individuals whose property was allegedly stolen by Israeli soldiers. MAG has decided to initiate investigations into five of these complaints; one of which was closed later and four are still under investigation. Al Mezan facilitated the access of four witnesses to Erez Crossing in the context of these five investigations.

Finally, Al Mezan represented 24 persons who were arrested by the Israeli forces during the military operations. Fourteen of those were sentenced and one was declared as an 'unlawful combatant'; held without charges or fair trial. There is proof that torture and abuse were commonly used against most of the prisoners, and Al Mezan is processing complaints on their behalf, which are expected to be filed by July 2015. Moreover, the Legal Unit of PCHR followed the cases of the 31 Palestinian detainees who were arrested in the latest Israeli military operation on the Gaza Strip. PCHR lawyers visited 12 of the detainees inside Ashkelon prison and worked successfully on releasing four of them.